



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL13-065	Contact	Kyle Deming, kdeming@duluthmn.gov	
Application Type	Interim Use Permit	Planning Commission Date	May 14, 2013	
Deadline for Action	Application Date	April 9 2013	60 Days	June 8, 2013
	Date Extension Letter Mailed	April 19, 2013	120 Days	August 7, 2013
Location of Subject	13402 State Hwy. 23 (Fond du Lac)			
Applicant	Matthew Evingson	Contact	mevingson@hotmail.com, 612-247-5844	
Agent	Same	Contact		
Legal Description	E 10 ft. of Lot 17 and all of Lot 19, Fond du Lac, Third Street (010-1610-00090, 00100)			
Site Visit Date	April 29, 2013	Sign Notice Date	April 30, 2013	
Neighbor Letter Date	April 25, 2013	Number of Letters Sent	8	

Proposal

Interim Use Permit for one vacation dwelling unit consisting of three bedrooms.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	One-family dwelling	Neighborhood Commercial
North	R-1	One-family dwelling	Traditional Neighborhood
South	MU-N	Campground	Neighborhood Commercial
East	MU-N	One-family dwelling	Neighborhood Commercial
West	MU-N	Campground	Neighborhood Commercial

Summary of Code Requirements (reference section with a brief description):

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Sec. 50-37.10.B ... Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The ... Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met.

UDC Sec. 50-37.10.E ... the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities

Governing Principle #5 - Strengthen neighborhoods

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) The applicant has submitted the required materials and agency approvals except for a Fire Operational Permit from the City and a Lodging License from the State. The applicant has applied for these permits and has inspections scheduled for May 13, 2013. The applicant is currently renovating the home and it won't be ready for inspections until that date. Staff recommends that a condition of approval be that the applicant obtain the required Fire Operational Permit and Lodging License.
- 2.) The applicant is required to provide 2 off-street parking spaces and the site plan shows a driveway from the northwest corner of the lot leading to the required spaces to the east of the home. The driveway and parking spaces must be paved and the applicant has indicated that this will be completed by September 2013, possibly using a pervious paving system. Staff recommends that a condition of approval be that the required parking spaces and driveway be paved by September 30, 2013 or the interim use permit be suspended.
- 3.) The applicant is the managing agent. They live within the required distance from the site and have provided the required notification to neighbors within 100'.
- 4.) A time limit on this Interim Use is needed to verify that the Vacation Dwelling Unit at this location can function without negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. The time limit will be up to six years from the effective date of the Council resolution approving the interim use permit.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, staff recommends the Commission recommend approval of the Interim Use Permit subject to the following conditions:

- 1.) The Interim Use Permit shall not be effective until the Fire Operational Permit has been granted by the City Fire Department and the Lodging License has been granted by the State Department of Health; and
- 2.) If by September 30, 2013 the applicant has not created the required paved driveway and parking spaces, the Interim Use Permit shall be suspended until the improvements are made; and
- 3.) The applicant adhere to the terms and conditions listed in the interim use permit document and any modifications deemed necessary by the Land Use Supervisor provided that no such administrative approval shall constitute a variance from Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning
PL 13-065
Interim Use Permit
13402 W 3rd Street


Legend


Right-of-Way Type


..... Road or Alley ROW

 Vacated ROW

Easement Type

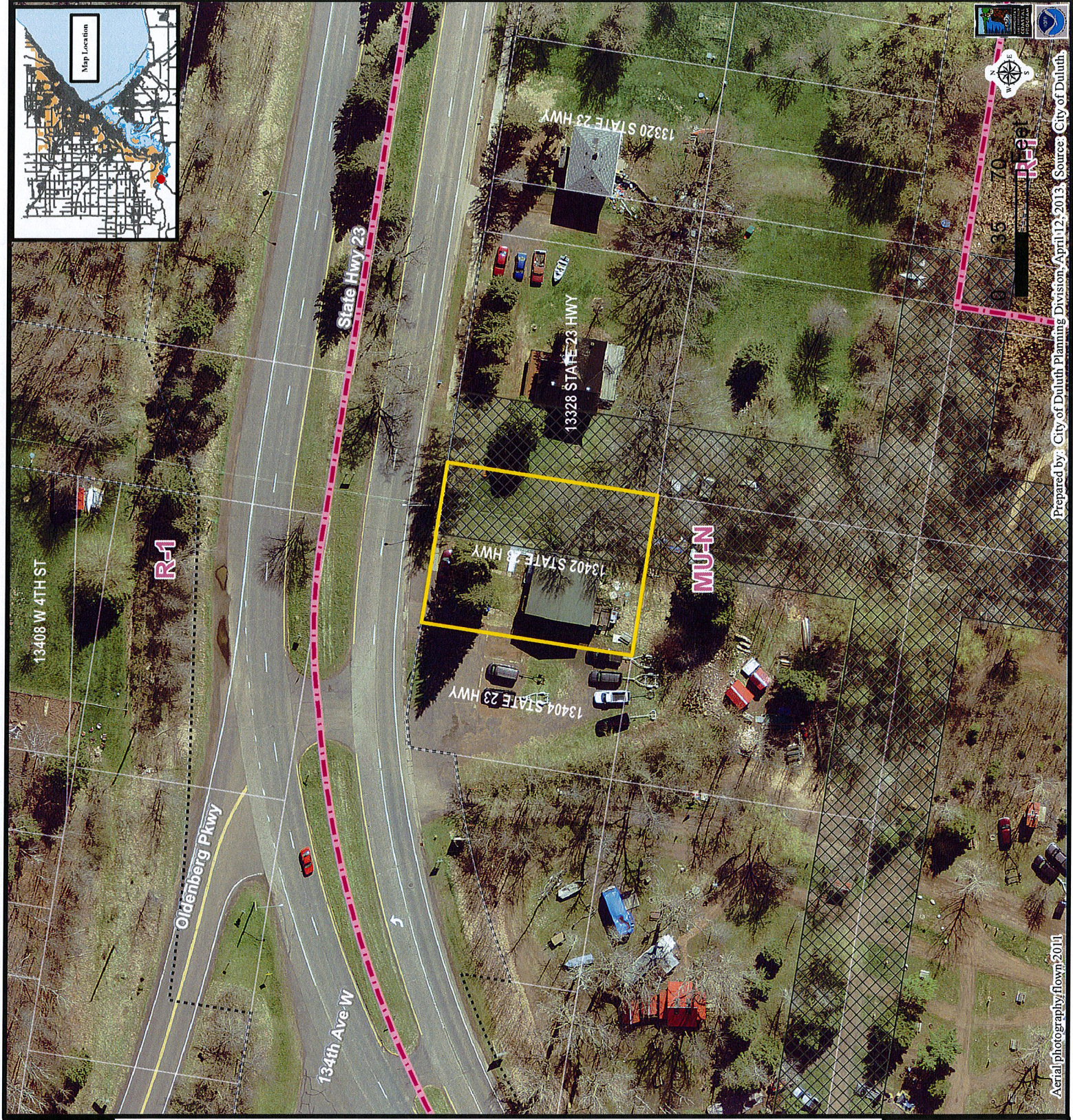
 Utility Easement

 Other Easement

 Zoning (Final)

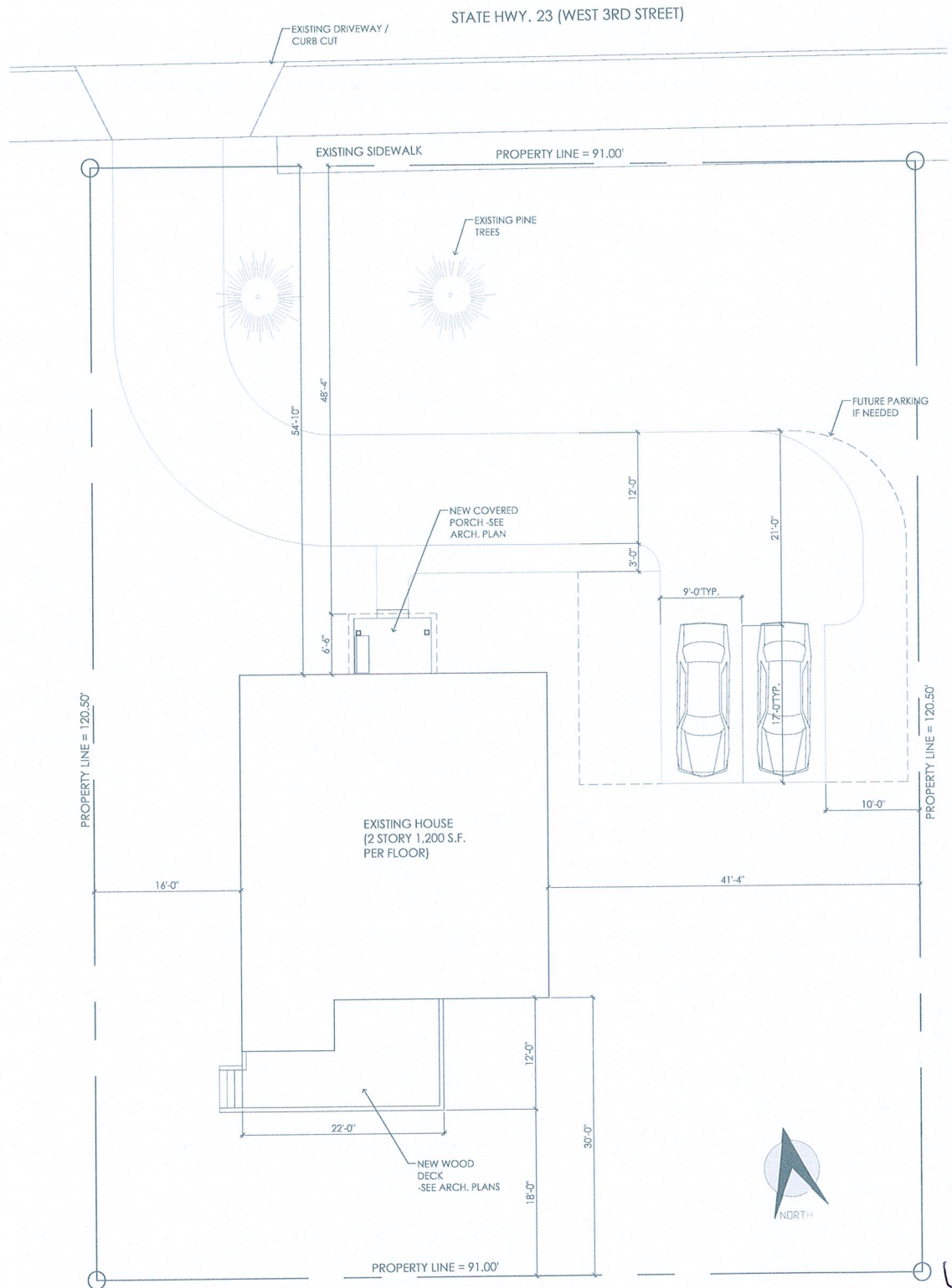
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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1 architectural site plan
1/8" = 1'-0"

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